

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTONIO ZAVALA,

Plaintiff,

v.

ROBERT VALDES,

Defendant.

Case No. 1:24-cv-01360-JLT-SKO

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

(Doc. 5)

Pending before the Court is Plaintiff's motion for appointment of counsel. (Doc. 5.)

Plaintiff does not have a constitutional right to the appointment of counsel in this action. *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009); *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981). The Court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1), but it will do so only if exceptional circumstances exist. *Palmer*, 560 F.3d at 970; *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). In making this determination, the Court must evaluate the likelihood of success on the merits and the ability of Plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved. *Palmer*, 560 F.3d at 970 (citation and quotation marks omitted); *Wilborn*, 789 F.2d at 1331. Neither consideration is dispositive, and they must be viewed together. *Palmer*, 560 F.3d at 970 (citation and quotation marks omitted); *Wilborn* 789 F.2d at 1331.

Given that the complaint as currently pleaded fails to state any cognizable claims (*see* Doc.

1 4), the Court cannot adequately assess the complexity of Plaintiff's case at this time to determine
2 whether exceptional circumstances exist that would justify seeking counsel willing to represent
3 plaintiff in this action on a *pro bono* basis.

4 Accordingly, Plaintiff's motion to appoint counsel (Doc. 5) is DENIED at this time without
5 prejudice to its renewal at a later stage of this litigation.

6
7 IT IS SO ORDERED.

8 Dated: November 20, 2024

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE